



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

2007  
Due 3/2012

DAVID P. LITTELL

COMMISSIONER

**Irving Oil Corporation  
Waldo County  
Searsport, Maine  
A-413-71-H-N**

**Departmental  
Findings of Fact and Order  
Air Emission License**

After review of the air emissions license renewal application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

Irving Oil Corporation (Irving) of Searsport, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with their bulk storage and distribution facility.

**B. Emission Equipment**

Irving is authorized to operate the following equipment:

**Fuel Burning Equipment**

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Maximum Firing Rate (gal/hr)</u>	<u>Fuel Type, % sulfur</u>	<u>Stack #</u>
Boiler #1	4.0	30	#6 fuel oil at 2.0%	1
Boiler #2	1.68	12	#2 fuel oil at 0.35%	2

**Generating Unit:**

<u>Source ID</u>	<u>Max. Capacity</u>	<u>Max. Firing Rate</u>	<u>Power Output</u>
<b>Generator #1</b>	0.7MMBtu/hr	7.4 gal/hr	70 kW

**Bulk Storage Equipment**

<u>Tank Number</u>	<u>Capacity (million gallons)</u>	<u>Current Product Stored</u>	<u>Roof Type</u>
1	7.35	Gasoline	Internal Floating
2	7.35	#2 Fuel Oil	Internal Floating
3	3.36	Kerosene	Fixed
4	7.35	#6 Fuel Oil*	Fixed
5	3.36	Gasoline	Internal Floating

AUGUSTA

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AUGUSTA, MAINE 04333-0017  
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RAY BLDG., HOSPITAL ST.

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106 HOGAN ROAD  
BANGOR, MAINE 04401  
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PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
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**Bulk Storage Equipment (continued)**

6	5.25	#2 Fuel Oil	Internal Floating
7	5.67	Kerosene	Internal Floating
8	5.67	#2 Fuel Oil	Internal Floating
9	4.62	#2 Fuel Oil*	Fixed
10	2.10	Diesel Fuel*	Fixed
11	1.68	#2 Fuel Oil*	Fixed
12	0.756	Kerosene/Jet*	Fixed
13	2.10	Diesel Fuel*	Fixed
14	0.02	Biodiesel	Fixed
15	0.02	Biodiesel	Fixed
21	0.008	#6 Fuel Oil*	Fixed
23	0.004	Microlene*	Fixed
24	0.004	Microlene*	Fixed
25	0.004	Red Dye*	Fixed
26	0.001	Red Dye*	Fixed

\*: these tanks are noted for completeness only

Note: those tanks equipped with an internal floating roof are able to store gasoline as well as distillate products

**Process Equipment**

<u>Equipment</u>	<u>Control Rate</u>
Carbon Absorption Unit	35 mg VOC /liter

**C. Application Classification**

The application for Irving does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of current licensed emission units only.

## II. BEST PRACTICAL TREATMENT (BPT)

### A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

### B. Boiler #1

Irving operates Boiler #1 for tank and facility heating demands. Boiler #1 has a maximum design heat input of 4.0 MMBtu/hr, firing #6 fuel oil with a maximum sulfur content not to exceed 2.0% by weight. Due to the size of this unit, it is not subject to New Source Performance Standards (NSPS) Subpart Dc, which is applicable to boilers with a heat input between 10 MMBtu/hr and 100 MMBtu/hr and manufactured after June 9, 1989.

BPT for Boiler #1 is the following:

1. PM and PM<sub>10</sub> emission rates are based on MEDEP Regulations, Chapter 103.
2. SO<sub>2</sub> emission data is based on fuel sulfur mass balance.
3. NO<sub>x</sub>, CO and VOC emission rates are based on AP-42 data dated 9/98 for boilers firing #6 fuel and having a heat input less than 100 MMBtu/hr.
4. Visible emissions from Stack #1 shall not exceed 30% on a 6 minute block average, except for no more than 2 six minute block averages in a 3 hour period.

### C. Boiler #2

Irving operates Boiler #2 for office and garage heating demands. Boiler #2 has a maximum design heat input of 1.68 MMBtu/hr, firing #2 fuel oil with a maximum sulfur content not to exceed 0.35% by weight. Due to the size of this unit, it is not subject to New Source Performance Standards (NSPS) Subpart Dc, which is applicable to boilers with a heat input between 10 MMBtu/hr and 100 MMBtu/hr and manufactured after June 9, 1989.

BPT for Boiler #2 is the following:

1. PM and PM<sub>10</sub> emission rates were based upon BACT of 0.10 #/MMBtu.
2. MEDEP Chapter 106 regulates fuel sulfur content, however the use of 0.35% sulfur #2 fuel oil is BACT.
3. SO<sub>2</sub> emission data was based on fuel sulfur mass balance.
4. NO<sub>x</sub>, CO and VOC emission rates were based upon AP-42 data dated 10/98 for boilers with a heat input less than 100 MMBtu/hr.
5. Visible emissions from Boiler #2 shall not exceed 20% opacity on a six (6) minute block average basis, except for one (1) six (6) minute block average in a 3-hour period.

D. Generator #1

Generator #1 has an electrical output rating of 70 kW and a heat input of 0.7 MMBtu/hr. BPT for Generator #1 is the following:

1. PM and PM<sub>10</sub> emission rates were based upon BPT of 0.08 #/MMBtu.
2. The use of propane.
3. SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC emission limits were based upon AP-42 data dated 7/00 for natural gas fired internal combustion engines due to no emission factors for propane fired internal combustion engines present in AP-42.
4. The generator use is limited to 500 hr/yr of operation based on a 12 month rolling total. Compliance shall be demonstrated by a written log of all generator operating hours.
5. Opacity from Generator #1 shall not exceed 10% on a six (6) minute block average basis, except for one (2) six (6) minute block average in a 3-hour period.

E. Vapor Recovery Unit (Carbon Absorption Unit)

Irving operates a carbon absorption unit rated at 35 milligrams of VOC per liter of product transferred. Irving will conduct annual compliance tests to demonstrate this unit is meeting the required emission rate.

F. Distillate and Residual Oil Storage Tanks

Irving currently operates 14 large tanks (plus two 20,000 gallon tanks) with fixed roofs capable of storing petroleum products. Each of these tanks varies in size and throughput depending on the demand for distillates throughout the year.

G. Gasoline Storage Tanks

In addition to the above distillate storage, Irving also operates several tanks with internal floating roofs (7) capable of storing gasoline. These tanks shall be equipped, maintained and operated such that:

1. there is an internal floating roof with closure seal(s) between the roof edge and the tank wall and these are maintained so as to prevent vapor leakage,
2. the internal floating roof and the closure seal(s) will be maintained such that there are no holes, tears, or other openings in the seal or between the seal and the floating roof,
3. all storage tank openings, except stub drains, are equipped with covers, lids or seals which remain closed at all times,
4. all automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports,
5. all rim vents, if provided, are to be set to open only when the roof is being floated off the leg supports or at the manufacturers recommended setting,
6. if any holes, tears, or other openings are present the source shall make repairs as soon as practical, but no later than 15 calendar days with the first attempt at repair to be made no later than 5 days from the initial detection of the leak.

H. NSPS

Tanks #1–13 commenced construction prior to 1973 and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart K, Ka, and Kb for Storage Vessels for Petroleum Liquids manufactured after June 11, 1973, with capacities greater than 40,000 gallons.

Tanks #21-26 each have a capacity less than 40,000 gallons and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart K, Ka, and Kb for Storage Vessels for Petroleum Liquids manufactured after June 11, 1973, with capacities greater than 40,000 gallons.

Tanks #1–3 and #5-8 were not constructed or modified, as defined in 40 CFR Part 60.3, after December 17, 1980 and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart XX for Standards of Performance for Bulk Gasoline Terminals.

I. Facility Emissions (used to calculate the annual license fee)

Irving has the following 12 month rolling total annual emissions based on firing no more than:

- 200,000 gallons of #6 fuel oil, with a sulfur content not to exceed 2.0% by weight in Boiler #1.
- 20,000 gallons of #2 fuel oil, with a sulfur content not to exceed 0.35% by weight in Boiler #2.
- 500 hours per year of Generator #1 operation.
- 49.9 tons/year of VOC from the facility (boilers, generator, gasoline storage tanks and the bulk storage gasoline terminal).
- 9.9 tons/year of total HAP from the facility (boilers, generator, gasoline storage tanks and the bulk storage gasoline terminal).

**Total Annual Emission for the Facility**

<b>Pollutant</b>	<b>Boiler #1</b>	<b>Boiler #2</b>	<b>Generator #1</b>	<b>Tanks</b>	<b>Tons/Year</b>
PM	2.8	0.1	0.1	-	<b>3.0</b>
PM <sub>10</sub>	2.8	0.1	0.1	-	<b>3.0</b>
SO <sub>2</sub>	31.4	0.5	0.1	-	<b>32.0</b>
NO <sub>x</sub>	7.0	0.7	0.6	-	<b>8.3</b>
CO	0.5	0.1	0.1	-	<b>0.7</b>
VOC	-	-	-	<b>49.9</b>	<b>49.9</b>
Total HAP	-	-	-	<b>9.9</b>	<b>9.9</b>

**III.AMBIENT AIR QUALITY ANALYSIS**

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Based on the total facility emissions, Irving is below the emissions level required for modeling and monitoring.

**ORDER**

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-413-71-H-N subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

**STANDARD CONDITIONS**

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 MRSA §347-C).

- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [MEDEP Chapter 115]
- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [MEDEP Chapter 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [MEDEP Chapter 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [MEDEP Chapter 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [MEDEP Chapter 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [MEDEP Chapter 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [MEDEP Chapter 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [MEDEP Chapter 115]

- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    - 2. pursuant to any other requirement of this license to perform stack testing.
  - B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - C. submit a written report to the Department within thirty (30) days from date of test completion.
- [MEDEP Chapter 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
  - B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- [MEDEP Chapter 115]
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 115]



- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [MEDEP Chapter 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 115]

#### **SPECIFIC CONDITIONS**

(16) **Boiler #1**

- A. Fuel use in Boiler #1 shall not exceed 200,000 gallons/year of #6 fuel oil, based on a 12 month rolling total, with a maximum sulfur content of 2.0%. Fuel use records and receipts (showing the quantity and percent sulfur of the fuel) shall be maintained to demonstrate compliance. [MEDEP Chapter 115, BPT]
- B. Emissions from Boiler #1 shall be limited to the following [MEDEP Chapter 103 and Chapter 115, BPT]:

<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>lb/hr</u>
PM	0.2	0.86
PM <sub>10</sub>	n/a	0.86
SO <sub>2</sub>	n/a	9.00
NO <sub>x</sub>	n/a	2.15
CO	n/a	0.14
VOC	n/a	0.03

- C. Visible emissions from Boiler #1 shall not exceed 30% opacity based on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period.

(17) **Boiler #2**

- A. Fuel use in Boiler #2 shall not exceed 20,000 gallons/year of #2 fuel oil, based on a 12 month rolling total, with a maximum sulfur content of 0.35%. Fuel use records and receipts (showing the quantity and percent sulfur of the fuel) shall be maintained to demonstrate compliance. [MEDEP Chapter 115, BPT].
- B. Emissions from Boiler #2 shall be limited to the following [MEDEP Chapter 103 and Chapter 115, BPT]:

<u>Pollutant</u>	<u>lb/hr</u>
PM	0.17
PM <sub>10</sub>	0.17
SO <sub>2</sub>	0.60
NO <sub>x</sub>	0.84
CO	0.06
VOC	0.01

- C. Visible emissions from Boiler #2 shall not exceed 20 percent on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period. [MEDEP Chapter 101, BPT]

(18) **Generator #1**

- A. Irving shall limit Generator #1 to 500 hr/yr of operation (based on a 12 month rolling total). An hour meter shall be maintained and operated on Generator #1. [MEDEP Chapter 115, BPT]
- B. Generator #1 shall only be operated for maintenance purposes and for situations arising from sudden and reasonably unforeseeable events beyond the control of the source. Generator #1 shall not be used for prime power when reliable offsite power is available. A log shall be maintained documenting the date, time, and reason for operation. [MEDEP Chapter 115, BPT]
- C. Generator #1 shall fire propane. Compliance shall be based on fuel records from the supplier showing the quantity and type of fuel delivered. [MEDEP Chapter 115, BPT]

D. Emissions shall not exceed the following [MEDEP Chapter 115, BPT]:

Pollutant	lb/hr
PM	0.10
PM <sub>10</sub>	0.10
SO <sub>2</sub>	0.05
NO <sub>x</sub>	4.54
CO	0.98
VOC	0.36

E. Visible emissions from Generator #1 shall not exceed 10% opacity on a six (6) minute block average, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [MEDEP Chapter 101]

**(19) Loading Racks and Carbon Absorption Unit**

- A. The bulk terminal shall be equipped with and maintained with a vapor recovery unit that captures displaced VOC vapors whenever gasoline is being transferred to a tank truck at each loading rack. [MEDEP Chapter 115, BPT]
- B. All loading and vapor lines shall be equipped and maintained in good working order such that vapor tight fittings close automatically when disconnected and the pressure in the vapor collection system shall not be allowed to exceed +18 inches of water or a vacuum exceeding -6 inches of water. [MEDEP Chapter 115, BPT]
- C. Gasoline loading shall be allowed only into tank trucks and trailers that have been properly certified pursuant to 40 CFR Appendix A, Method 27 and maintained and labeled as vapor-tight in accordance with Maine Air Regulations Chapter 120. [MEDEP Chapter 112]
- D. Any tank truck carrying gasoline or which has carried gasoline as the most recent previous load shall utilize the vapor collection system during the entire loading process. [MEDEP Chapter 115, BPT]
- E. Leaks greater than 100% of the lower explosive limit (LEL) obtained within one inch around any potential leak source of the tank truck, including all loading couplings, vapor lines and fittings employed in the transfer of gasoline, are prohibited. [MEDEP Chapter 115, BPT]
- F. VOC emissions from the vapor recovery unit shall not exceed 35 milligrams per liter of product transferred. Compliance with this limit shall be determined by methods promulgated in 40 CFR Part 60.503 or other methods approved by the Department. [MEDEP Chapter 112]

- G. Irving shall conduct an annual compliance test of the vapor recovery unit prior to May 15<sup>th</sup> of each year. A report containing the test results shall be submitted to the Department within 30 days of the completion of test in accordance with the Department's stack test protocol. [MEDEP Chapter 115, BPT]
- H. Irving shall conduct a leak inspection of all equipment at the loading racks and around the vapor recovery unit utilizing sight, sound, and smell at a minimum of once per month. All leaks must be repaired as quickly as possible, but within 15 calendar days, with the first attempt at repair made no later than 5 days from the initial detection of the leak. [MEDEP Chapter 115, BPT]
- I. Irving shall maintain an inspection log documenting routine leak inspections to include date of detection, nature of the leak and detection method, date of repair attempts and methods used, details of any delays in repairs, and the final date of repair. Irving shall make these records available for inspection by the Department. [MEDEP Chapter 115, BPT]

(20) **Distillate Storage Tanks**

- A. Irving shall conduct routine inspections of all distillate storage tanks at a minimum of once every month around the perimeter of the tank and roof. [MEDEP Chapter 115, BPT]
- B. The following records shall be maintained at the source and available for inspection by the Department [MEDEP Chapter 115, BPT]:
  - 1. inspection log documenting any detected leaks, holes, tears, or other openings and the corrective action taken, and
  - 2. monthly throughput specifying quantity and types of volatile petroleum liquids in each tank and the period of storage.

(21) **Gasoline Storage Tanks**

- A. Tanks #1, #2 and #5-#8 each shall be equipped, maintained and operated such that:
  - 1. there is an internal floating roof with closure seal(s) between the roof edge and the tank wall and these are maintained so as to prevent vapor leakage, [MEDEP Chapter 111]
  - 2. the internal floating roof and the closure seal(s) will be maintained such that there are no holes, tears, or other openings in the seal or between the seal and the floating roof, [MEDEP Chapter 111]
  - 3. all storage tank openings, except stub drains, are equipped with covers, lids or seals which remain closed at all times, [MEDEP Chapter 111]
  - 4. all automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports, [MEDEP Chapter 111]

5. all rim vents, if provided, are to be set to open only when the roof is being floated off the leg supports or at the manufacturers recommended setting, [MEDEP Chapter 111]
  6. if any holes, tears, or other openings are present the source shall make repairs as soon as practical, but no later than 15 calendar days with the first attempt at repair to be made no later than 5 days from the initial detection of the leak. [MEDEP Chapter 115, BPT]
- B. Irving shall comply with the following source inspection requirements [MEDEP Chapter 111]:
1. routine inspection of floating roofs are conducted through roof hatches once every month, and
  2. a complete inspection of the cover and seal is to be performed at least once every ten years and each time the tank is emptied and degassed. These inspections shall be conducted by visually inspecting the floating roof deck, deck fittings and rim seals.
- C. The following records shall be maintained at the source and available for inspection by the Department:
1. inspection log documenting routine monthly inspections of floating roof covers and seals, [MEDEP Chapter 111]
  2. inspection log documenting LEL readings to be done a minimum of every six months with the inspection of the floating roof covers and seals, which shall include explanation of any excessive increases in LEL readings as compared to normal operating conditions, [MEDEP Chapter 115, BPT]
  3. inspection log documenting all complete inspections of cover and seal to be performed whenever tank is emptied and degassed, at a minimum of once every ten years, [MEDEP Chapter 111]
  4. inspection log documenting any detected leaks, holes, tears, or other openings and the corrective action taken, [MEDEP Chapter 115, BPT]
  5. monthly throughput specifying quantity and types of volatile petroleum liquids in each tank and the period of storage, and [MEDEP Chapter 111]
  6. average monthly product storage temperatures and maximum true vapor pressures or Reid vapor pressures of volatile petroleum liquids. [MEDEP Chapter 111]
- D. For those tanks that are equipped for dual storage, Irving shall comply with all requirements, as applicable, for storage of gasoline whenever the tank in question is put into gasoline service. No notification is required when products are switched provided the tank is equipped with an internal floating roof for proper storage.
- (22) Irving shall not exceed an annual gasoline throughput of 200,000,000 gallons (based on a 12-month rolling total).

(23) **VOC Emissions**

Facility wide VOC emissions (from the boiler, gasoline storage tanks and the bulk storage gasoline terminal) shall not exceed 49.9 tons/year (12-month rolling total).

(24) **Total HAP Emissions**

Facility wide total HAP emissions (from the boiler, gasoline storage tanks and the bulk storage gasoline terminal) shall not exceed 9.9 tons/year (12-month rolling total).

(25) **Recordkeeping**

For all recordkeeping required by this license the licensee shall maintain records of the most current six year period.

A. Records shall be maintained showing the average annual information for each of the petroleum storage tanks in order to calculate annual VOC emissions [MEDEP Chapter 115, BPT]:

1. Quantity and type of petroleum liquid stored in each tank,
2. Reid vapor pressure,
3. Maximum true vapor pressure,
4. Average storage temperature,
5. Average throughput in each tank,
6. Tank emissions calculated using EPA TANKS program or an alternative approved by the Department,
7. Tank truck emissions assuming 1.3% of the vapors are displaced during loading (based on assumed capture efficiency of 98.7% as given in 40 CFR Part 63, Subpart R), and
8. HAP speciation data as given by the American Petroleum Institute (API) or other speciation data as obtained by a supplier.
9. The annual gasoline throughput for the facility.

B. Irving shall calculate and record the annual total facility VOC emissions (tons) from the loading racks, storage tanks, and fugitive sources (i.e. pumps, valves, flanges).

C. Irving shall maintain records of all monthly inspections and leak inspections of all equipment utilizing sight, smell and sound.

(26) Irving shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (Title 38 MRSA §605).

(27) **Annual Emission Statement**

In accordance with MEDEP Chapter 137, the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

- 1) A computer program and accompanying instructions supplied by the Department;  
or
- 2) A written emission statement containing the information required in MEDEP Chapter 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted by July 1 or as otherwise specified in Chapter 137.

(28) **Air Toxics Emission Statement**

If Irving exceeds the thresholds for HAPs listed in Appendix A of MEDEP Chapter 137 in an inventory year, in accordance with MEDEP Chapter 137 the licensee shall report, no later than July 1 every three years (2005, 2008, 2011, etc.) or as otherwise stated in Chapter 137, the information necessary to accurately update the State's toxic air pollutants emission inventory by means of a written emission statement containing the information required in MEDEP Chapter 137.

Reports and questions on the Air Toxics emissions inventory portion should be directed to:

Attn: Toxics Inventory Coordinator  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

Phone: (207) 287-2437

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Departmental  
Findings of Fact and Order  
Air Emission License

- (29) Irving shall pay the annual air emission license fee within 30 days of **March 30th** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3. [38 MRSA §353-A]

DONE AND DATED IN AUGUSTA, MAINE THIS 28th DAY OF March, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brook  
DAVID P. LITTELL, COMMISSIONER

**The term of this license shall be five (5) years from the signature date above.**

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 27, 2007

Date of application acceptance: March 5, 2007

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This order prepared by Mark E. Roberts, Bureau of Air Quality.

